



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,069	01/29/2002	Kim Lesley Alderson	P00587-US	9650

3017 7590 09/23/2003

BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE, RI 02903

EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,069

Applicant(s)

ALDERSON ET AL.

Examiner

Elizabeth M Cole

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 32-62 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

Art Unit: 1771

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 32, drawn to an auxetic polymer material.

Group II, claim(s) 33-44, drawn to an auxetic polymer formed by the steps of cohering and extruding a heated thermoformable particulate polymer material and the method of forming the auxetic polymer.

Group III, claim(s) 45, drawn to an auxetic polymer in the form of a fabric.

Group IV, claim(s) 46-47, drawn to a composite material comprising an auxetic polymer.

Group V, claim(s) 48-49, drawn to a vehicle body part comprising an auxetic polymer.

Group VI, claim(s) 50-55, drawn to a personal protective device comprising an auxetic polymer.

Group VII, claim(s) 56, drawn to a filter formed from an auxetic polymer.

Group VIII, claim(s) 57, drawn to a rope formed from an auxetic polymer.

Group IX, claim(s) 58, drawn to a net formed from an auxetic polymer.

Group X, claim(s) 59, drawn to a biomaterial formed from an auxetic polymer.

Group XI, claim(s) 60, drawn to a bandage or pressure dressing formed from an auxetic polymer.

Group XII, claim(s) 61, drawn to a seal or gasket formed from an auxetic polymer.

Group XIII, claim(s) 62, drawn to an auxetic polymeric material comprising pores which have an entrapped releasable substance therein.

2. The inventions listed as Groups 1-XIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Art Unit: 1771

3. The material of Group I lacks the special technical feature of being formed by the steps of cohering and extruding the particulate polymer material which is found in Groups II-XIII. The material of Groups I-II, IV-XIII lack the special technical feature of the auxetic polymer being the form of a fabric which is found in Group III. The material of Groups I-III and V-XIII lack the special technical feature of the auxetic polymer being a composite material which is found in Group IV. Groups I-IV and VI-XIII lack the special technical feature of the auxetic polymer being a vehicle body part which is found in Group V. Groups I-V and VII-XIII lack the special technical feature of the auxetic polymer being a personal protective device which is found in group VI. Groups I-VI and VIII-XIII lack the special technical feature of the auxetic polymer being in the form of a filter which is found in Group VII. Groups I-VII and IX-XIII lack the special technical feature of the auxetic polymer being in the form of a rope which is found in Group VIII. Groups I-VIII and X-XIII lack the special technical feature of the auxetic polymer being the form of a net which is found in Group IX. Groups I-IX- and XI-XIII lack the special technical feature of the auxetic polymer being formed into a biomaterial which is found in Group X. Groups I-X and XII-XIII lack the special technical feature of the auxetic polymer is in the form of a bandage or pressure dressing which is found in group XI. Groups I-XI and XIII lack the special technical feature of the auxetic polymer being in the form of a seal or gasket which is found in Group XII. Groups I-XII lack the special technical feature of the auxetic polymeric material having pores with an entrapped releasable substance therein which is found in Group XIII.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

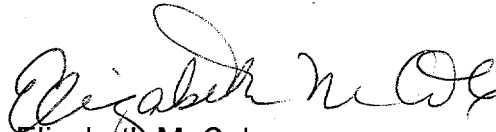
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Art Unit: 1771

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.

A handwritten signature in cursive script, appearing to read "Elizabeth M. Cole".

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c